

the unexpended balance of such amount shall remain available for expenditure during the next two succeeding fiscal years in addition to amount otherwise available, and provided that 60 per centum of the expenditures under this section are authorized to be appropriated from the Highway Trust Fund and the remaining 40 per centum of such expenditures are authorized to be appropriated only from any monies in the Treasury not otherwise appropriated.

Subsec. (c). Pub. L. 89-574, §9(b), added parkways, public lands highways, public lands development roads, and trails to the list of types of roads the repair or reconstruction of which may be paid for out of the emergency fund.

1959—Pub. L. 86-342, among other changes, made expenditures from the emergency fund subject to the provisions of section 120 of this title, and permitted the Secretary to expend funds from the emergency fund, either independently or in cooperation with any other branch of the Government, State agency, organization, or person, for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are on any of the Federal-aid highway systems.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 applicable only to natural disasters and catastrophic failures occurring after Dec. 18, 1991, see section 1022(c) of Pub. L. 102-240, set out as a note under section 120 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 118(a)(2) of Pub. L. 100-17 provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to natural disasters and catastrophic failures occurring after December 31, 1985.”

Section 118(b)(3) of Pub. L. 100-17 provided that: “The amendments made by paragraphs (1) and (2) [amending this section] shall take effect on the date of the enactment of this Act [Apr. 2, 1987].”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 153(e) of Pub. L. 97-424 provided that: “The amendments made by subsection (d) of this section [amending this section] shall apply to natural disasters or catastrophic failures which the Secretary finds eligible for emergency relief subsequent to the date of enactment of this section [Jan. 6, 1983].”

EFFECTIVE DATE OF 1968 AMENDMENT

Section 27(c) of Pub. L. 90-495 provided that: “The amendments made by this section [amending this section and section 120 of this title] shall be applicable to repair or reconstruction with respect to which project agreements have been entered into on or after January 1, 1968.”

EFFECTIVE DATE OF 1966 AMENDMENT

Section 9(d) of Pub. L. 89-574 provided that: “The amendments made by this section [amending this section] shall take effect July 1, 1966.”

EXPENDITURES MADE PRIOR TO FISCAL YEAR ENDING SEPTEMBER 30, 1978; APPROPRIATION FROM HIGHWAY TRUST FUND

Section 153(b) of Pub. L. 97-424 provided that: “Notwithstanding any other provision of law, all expenditures made under section 125 of title 23, United States Code, prior to the fiscal year ending September 30, 1978, are authorized to have been appropriated from the Highway Trust Fund.”

§ 126. Uniform transferability of Federal-aid highway funds

(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections

(b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment under section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

(b) APPLICATION TO CERTAIN SET-ASIDES.—No funds may be transferred under this section that are subject to the last sentence of section 133(d)(1)¹ or to section 104(f) or to section 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(1)¹ or 133(d)(2) for a fiscal year may not exceed 25 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under such section for fiscal year 1997.

(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount that the State's apportionment under section 104(b)(2) for such fiscal year would have been had the program been funded at \$1,350,000,000. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).

(Added Pub. L. 105-178, title I, §1310(a), June 9, 1998, 112 Stat. 234, §110; renumbered §126, Pub. L. 106-159, title I, §102(a)(1), Dec. 9, 1999, 113 Stat. 1752; amended Pub. L. 109-59, title I, §1401(a)(3)(B), Aug. 10, 2005, 119 Stat. 1225.)

REFERENCES IN TEXT

Section 133(d)(1), referred to in subsec. (b), was repealed by Pub. L. 109-59, title I, §1113(b)(1), Aug. 10, 2005, 119 Stat. 1172.

PRIOR PROVISIONS

A prior section 126, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 901; Pub. L. 93-87, title I, §152(3), Aug. 13, 1973, 87 Stat. 276, related to providing Federal aid for highway construction only to States that used at least amounts provided by law on June 18, 1934, for such purposes, prior to repeal by Pub. L. 105-178, title I, §1226(d), as added by Pub. L. 105-206, title IX, §9003(a), July 22, 1998, 112 Stat. 837.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59, which directed insertion of “under” after “State's apportionment”, was executed by making the insertion after “State's apportionment” the second place it appeared, to reflect the probable intent of Congress.

1999—Pub. L. 106-159 renumbered section 110 of this title as this section.

§ 127. Vehicle weight limitations—Interstate System

(a) IN GENERAL.—

(1) No funds shall be apportioned in any fiscal year under section 104(b)(1) of this title to

¹ See References in Text note below.

any State which does not permit the use of The Dwight D. Eisenhower System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any one axle, including enforcement tolerances, or with a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more.

(2) However, the maximum gross weight to be allowed by any State for vehicles using The Dwight D. Eisenhower System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

$$W=500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles (1) is thirty-six feet or more, or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container before September 1, 1989, is 30 feet or more; *Provided*, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1989), on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater.

(3) Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse if not released and obligated within the availability period specified in section 118(b)(2) of this title.

(4) This section shall not be construed to deny apportionment to any State allowing the

operation within such State of any vehicles or combinations thereof, other than vehicles or combinations subject to subsection (d) of this section, which the State determines could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974.

(5) With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956.

(6) With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.

(7) With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection.

(8) With respect to the State of Maryland, laws and regulations in effect on June 1, 1993, shall be applicable for the purposes of this subsection.

(9) The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually.

(10) With respect to Interstate Routes 89, 93, and 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.

(11) With respect to all portions of the Interstate Highway System in the State, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.

(12) HEAVY DUTY VEHICLES.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in order to promote reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limit and the axle weight limit for any heavy-duty vehicle equipped with an idle reduction technology shall be increased by a quantity necessary to compensate for the additional weight of the idle reduction system.

(B) MAXIMUM WEIGHT INCREASE.—The weight increase under subparagraph (A) shall be not greater than 400 pounds.

(C) PROOF.—On request by a regulatory agency or law enforcement agency, the vehicle operator shall provide proof (through demonstration or certification) that—

(i) the idle reduction technology is fully functional at all times; and

(ii) the 400-pound gross weight increase is not used for any purpose other than the use of idle reduction technology described in subparagraph (A).

(13) VERMONT PILOT PROGRAM.—

(A)¹ IN GENERAL.—With respect to Interstate Routes 89, 91, and 93 in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to State highways other than the Interstate system shall be applicable in lieu of the requirements of this subsection.

(b) REASONABLE ACCESS.—No State may enact or enforce any law denying reasonable access to motor vehicles subject to this title to and from the Interstate Highway System to terminals and facilities for food, fuel, repairs, and rest.

(c) OCEAN TRANSPORT CONTAINER DEFINED.—For purposes of this section, the term “ocean transport container” has the meaning given the term “freight container” by the International Standards Organization in Series 1, Freight Containers, 3rd Edition (reference number IS0668–1979(E)) as in effect on the date of the enactment of this subsection.

(d) LONGER COMBINATION VEHICLES.—

(1) PROHIBITION.—

(A) GENERAL CONTINUATION RULE.—A longer combination vehicle may continue to operate only if the longer combination vehicle configuration type was authorized by State officials pursuant to State statute or regulation conforming to this section and in actual lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 1991, or pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186).

(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All such operations shall continue to be subject to, at the minimum, all State statutes, regulations, limitations and conditions, including, but not limited to, routing-specific and configuration-specific designations and all other restrictions, in force on June 1, 1991; except that subject to such regulations as may be issued by the Secretary pursuant to paragraph (5) of this subsection, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

(C) WYOMING.—In addition to those vehicles allowed under subparagraph (A), the State of Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if such vehicle configurations comply with the single axle, tandem axle, and bridge formula limits set forth in subsection (a) and do not exceed 117,000 pounds gross vehicle weight.

(D) OHIO.—In addition to vehicles which the State of Ohio may continue to allow to be operated under subparagraph (A), such State may allow longer combination vehicles with 3 cargo carrying units of 28½ feet each (not including the truck tractor) not in

actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at and is south of exit 16 of the Ohio Turnpike.

(E) ALASKA.—In addition to vehicles which the State of Alaska may continue to allow to be operated under subparagraph (A), such State may allow the operation of longer combination vehicles which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 5, 1991.

(F) IOWA.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska.

(2) ADDITIONAL STATE RESTRICTIONS.—

(A) IN GENERAL.—Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of longer combination vehicles otherwise authorized under this subsection; except that such restrictions or prohibitions shall be consistent with the requirements of sections 31111–31114 of title 49.

(B) MINOR ADJUSTMENTS.—Any State further restricting or prohibiting the operations of longer combination vehicles or making minor adjustments of a temporary and emergency nature as may be allowed pursuant to regulations issued by the Secretary pursuant to paragraph (5) of this subsection, shall, within 30 days, advise the Secretary of such action, and the Secretary shall publish a notice of such action in the Federal Register.

(3) PUBLICATION OF LIST.—

(A) SUBMISSION TO SECRETARY.—Within 60 days of the date of the enactment of this subsection, each State (i) shall submit to the Secretary for publication in the Federal Register a complete list of (I) all operations of longer combination vehicles being conducted as of June 1, 1991, pursuant to State statutes and regulations; (II) all limitations and conditions, including, but not limited to, routing-specific and configuration-specific designations and all other restrictions, governing the operation of longer combination vehicles otherwise prohibited under this subsection; and (III) such statutes, regulations, limitations, and conditions; and (ii) shall submit to the Secretary copies of such statutes, regulations, limitations, and conditions.

(B) INTERIM LIST.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall publish an interim list in the Federal Register, consisting of all information submitted pursuant to subparagraph (A). The Secretary shall review for accuracy all information submitted by the States pursuant to subparagraph (A) and shall solicit and consider public com-

¹ So in original. No subpar. (B) has been enacted.

ment on the accuracy of all such information.

(C) LIMITATION.—No statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles, not in actual operation on a regular or periodic basis on or before June 1, 1991.

(D) FINAL LIST.—Except as modified pursuant to paragraph (1)(C) of this subsection, the list shall be published as final in the Federal Register not later than 180 days after the date of the enactment of this subsection. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B). After publication of the final list, longer combination vehicles may not operate on the Interstate System except as provided in the list.

(E) REVIEW AND CORRECTION PROCEDURE.—The Secretary, on his or her own motion or upon a request by any person (including a State), shall review the list issued by the Secretary pursuant to subparagraph (D). If the Secretary determines there is cause to believe that a mistake was made in the accuracy of the final list, the Secretary shall commence a proceeding to determine whether the list published pursuant to subparagraph (D) should be corrected. If the Secretary determines that there is a mistake in the accuracy of the list the Secretary shall correct the publication under subparagraph (D) to reflect the determination of the Secretary.

(4) LONGER COMBINATION VEHICLE DEFINED.—For purposes of this section, the term “longer combination vehicle” means any combination of a truck tractor and 2 or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

(5) REGULATIONS REGARDING MINOR ADJUSTMENTS.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the States to follow in making minor adjustments under paragraph (1)(B).

(e) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON INTERSTATE ROUTE 68.—The single axle, tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purpose on August 1, 1991.

(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate Sys-

tem under section 103(c)(4)(A), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of the enactment of this subsection.

(g) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN PENNSYLVANIA HIGHWAYS.—If the segment of United States Route 220 between Bedford and Bald Eagle, Pennsylvania, is designated as part of the Interstate System, the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to that segment with respect to the operation of any vehicle which could have legally operated on that segment before the date of the enactment of this subsection.

(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 902; Pub. L. 86-624, §17(e), July 12, 1960, 74 Stat. 416; Pub. L. 93-643, §106, Jan. 4, 1975, 88 Stat. 2283; Pub. L. 94-280, title I, §120, May 5, 1976, 90 Stat. 438; Pub. L. 97-424, title I, §133, formerly §133(a), Jan. 6, 1983, 96 Stat. 2123, renumbered §133, Pub. L. 100-17, title I, §133(a)(3), Apr. 2, 1987, 101 Stat. 170; Pub. L. 100-17, title I, §119, Apr. 2, 1987, 101 Stat. 157; Pub. L. 100-202, §101(i) [title III, §347(c)], Dec. 22, 1987, 101 Stat. 1329-358, 1329-388; Pub. L. 101-427, Oct. 15, 1990, 104 Stat. 927; Pub. L. 102-240, title I, §1023(a), (b), (d), Dec. 18, 1991, 105 Stat. 1951, 1952, 1954; Pub. L. 103-331, title III, §332, Sept. 30, 1994, 108 Stat. 2493; Pub. L. 103-429, §3(3), Oct. 31, 1994, 108 Stat. 4377; Pub. L. 104-59, title III, §312(a)(1), (2), (b), Nov. 28, 1995, 109 Stat. 584; Pub. L. 104-88, title IV, §§404, 405(a)(1), Dec. 29, 1995, 109 Stat. 956; Pub. L. 105-178, title I, §§1106(c)(2)(B), 1212(d)(1), June 9, 1998, 112 Stat. 136, 194; Pub. L. 107-107, div. A, title X, §1064, Dec. 28, 2001, 115 Stat. 1233; Pub. L. 108-447, div. J, title I, §121, Dec. 8, 2004, 118 Stat. 3347; Pub. L. 109-58, title VII, §756(c), Aug. 8, 2005, 119 Stat. 832; Pub. L. 109-59, title I, §1111(b)(3), Aug. 10, 2005, 119 Stat. 1171; Pub. L. 111-117, div. A, title I, §194(a), (c), (d), (f), Dec. 16, 2009, 123 Stat. 3072, 3073.)

AMENDMENT OF SUBSECTION (a)(11)

Pub. L. 111-117, div. A, title I, §194(c), Dec. 16, 2009, 123 Stat. 3072, provided that, effective as of the date that is 366 days after Dec. 16, 2009, subsection (a)(11) of this section is amend-

ed by striking “all portions of the Interstate Highway System in the State, laws (including regulations)” and inserting “that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)”. See *Effective and Termination Dates of 2009 Amendment* note below.

REPEAL OF SUBSECTION (a)(13)

Pub. L. 111–117, div. A, title I, §194(f), Dec. 16, 2009, 123 Stat. 3073, provided that, effective as of the date that is 366 days after Dec. 16, 2009, subsection (a) of this section is amended by striking paragraph (13). See *Effective and Termination Dates of 2009 Amendment* note below.

REFERENCES IN TEXT

The date of enactment of Federal-Aid Highway Amendments of 1974, referred to in subsec. (a)(2), (4), means Jan. 4, 1975, the date on which Pub. L. 93–643 was approved.

The date of the enactment of this subsection, referred to in subsec. (c), is the date of enactment of Pub. L. 100–17, which was approved Apr. 2, 1987.

Section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991, referred to in subsec. (d)(1)(A), is section 335 of Pub. L. 101–516, which is not classified to the Code.

The date of the enactment of this subsection, referred to in subsec. (d)(3)(A), (B), (D), (5), is the date of the enactment of Pub. L. 102–240, which was approved Dec. 18, 1991.

The date of the enactment of this subsection, referred to in subsec. (f), is the date of enactment of Pub. L. 104–59, which was approved Nov. 28, 1995.

The date of the enactment of this subsection, referred to in subsec. (g), is the date of enactment of Pub. L. 104–88, which was approved Dec. 29, 1995.

AMENDMENTS

2009—Subsec. (a)(11). Pub. L. 111–117, §194(a), (b), which directed temporary substitution of “all portions of the Interstate Highway System in the State, laws (including regulations)” for “that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)”, was executed by making the temporary substitution for “that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)” to reflect the probable intent of Congress. See *Effective and Termination Dates of 2009 Amendment* note below.

Subsec. (a)(13). Pub. L. 111–117, §194(d), (e), temporarily added par. (13). See *Effective and Termination Dates of 2009 Amendment* note below.

2005—Subsec. (a). Pub. L. 109–58 designated first to eleventh sentences as pars. (1) to (11), respectively, and added par. (12).

Subsec. (a)(3). Pub. L. 109–59 substituted “118(b)(2)” for “118(b)(1)”.

2004—Subsec. (a). Pub. L. 108–447 substituted “Interstate Routes 89, 93, and 95 in the State of New Hampshire” for “Interstate Route 95 in the State of New Hampshire” in the penultimate sentence.

2001—Subsec. (h). Pub. L. 107–107 added subsec. (h).

1998—Subsec. (a). Pub. L. 105–178, §1212(d)(1), inserted before penultimate sentence “With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.” and inserted at end “The State of Louisiana may allow, by special permit, the operation of vehicles with

a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually. With respect to Interstate Route 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.”

Subsec. (f). Pub. L. 105–178, §1106(c)(2)(B), substituted “section 103(c)(4)(A)” for “section 139(a)”.

1995—Subsec. (a). Pub. L. 104–59, §312(a)(1), in proviso of second sentence substituted “except for vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for those” for “except for those”.

Subsec. (d)(1)(F). Pub. L. 104–59, §312(a)(2), added subpar. (F).

Subsec. (f). Pub. L. 104–59, §312(b), as amended by Pub. L. 104–88, §405(a)(1), added subsec. (f).

Subsec. (g). Pub. L. 104–88, §404, added subsec. (g).

1994—Subsec. (a). Pub. L. 103–331 inserted at end “With respect to the State of Maryland, laws and regulations in effect on June 1, 1993, shall be applicable for the purposes of this subsection.”

Subsec. (d)(2)(A). Pub. L. 103–429 substituted “sections 31111–31114 of title 49” for “sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311, 2312, and 2316)”.

1991—Subsec. (a). Pub. L. 102–240, §1023(a), substituted “funds shall be apportioned in any fiscal year under section 104(b)(1) of this title” for “funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned” in first sentence and inserted “, other than vehicles or combinations subject to subsection (d) of this section,” after “thereof” in fourth sentence.

Subsecs. (d), (e). Pub. L. 102–240, §1023(b), (d), added subsecs. (d) and (e).

1990—Subsec. (a). Pub. L. 101–427 substituted “The Dwight D. Eisenhower System of Interstate and Defense Highways” for “the National System of Interstate and Defense Highways” in two places.

1987—Subsec. (a). Pub. L. 100–202 substituted “September 1, 1989” for “September 1, 1988” in two places. Pub. L. 100–17, §119(d)(1), inserted heading.

Pub. L. 100–17, §119(a)(1), (2), which directed that second sentence be amended by inserting “(1)” before “is 36 feet or more” and by inserting cl. (2) after such phrase, was executed by making the insertions before and after “is thirty-six feet or more” to reflect the probable intent of Congress.

Pub. L. 100–17, §119(a)(3), (b), inserted “on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1988)” after last reference to “consecutive axles” in second sentence and substituted “lapse if not released and obligated within the availability period specified in section 118(b)(1) of this title.” for “lapse.”

Subsec. (b). Pub. L. 100–17, §119(d)(2), inserted heading.

Subsec. (c). Pub. L. 100–17, §119(c), added subsec. (c). 1983—Pub. L. 97–424 struck out “and width” after “weight” in section catchline.

Subsec. (a). Pub. L. 97–424 designated existing provisions as subsec. (a) and substituted provisions relating to authority to appropriate funds for any fiscal year under the Federal-Aid Highway Act of 1956 with respect

to apportionment to any State not permitting the use of the National System of Interstate and Defense Highways within its boundaries by vehicles with specified weights, provisions setting forth formula of maximum gross weight to be allowed by any State for vehicles using such Highways, and provisions setting forth further limitations for apportionment, for provisions relating to authority to appropriate funds for any fiscal year under section 108(b) of the Federal-Aid Highway Act of 1956 with respect to apportionment to any State not permitting the use of the Interstate System within its boundaries by vehicles with specified weights, provisions setting forth formula for determination of overall gross weight, provisions relating to maximum widths permitted for vehicles, and provisions setting forth further limitations for apportionment.

Subsec. (b). Pub. L. 97-424 added subsec. (b).

1976—Pub. L. 94-280 authorized a State to permit any bus with a width of 102 inches or less to operate on any lane of twelve feet or more in width on the Interstate System.

1975—Pub. L. 93-643 substituted weight limitations of 20,000 lbs. carried on any one axle, including all enforcement tolerances, for 18,000 lbs. carried on any one axle, of 34,000 lbs. for tandem axle weight, including all enforcement tolerances, for 32,000 lbs. for tandem axle weight, overall gross weight limitation of 80,000, including enforcement tolerances, for overall gross weight of 73,280 lbs. prescribed a formula for determination of overall gross weight on a group of two or more consecutive axles, authorized a gross load of 34,000 lbs. each for two consecutive sets of tandem axles having an overall distance of 36 or more feet between such axles, excepted from the new weight limitations cases of overall gross weight of any group of two or more consecutive axles, on Jan. 4, 1975, and inserted “, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974” in third sentence.

1960—Pub. L. 86-624 made the laws or regulation in effect on Feb. 1, 1960, applicable, with respect to the State of Hawaii, for the purposes of this section, in lieu of those in effect on July 1, 1956.

EFFECTIVE AND TERMINATION DATES OF 2009 AMENDMENT

Pub. L. 111-117, div. A, title I, §194(b), Dec. 16, 2009, 123 Stat. 3072, provided that: “The amendment made by subsection (a) [amending this section] shall be in effect during the 1-year period beginning on the date of enactment of this Act [Dec. 16, 2009].”

Pub. L. 111-117, div. A, title I, §194(c), Dec. 16, 2009, 123 Stat. 3072, provided that the amendment made by section 194(c) is effective as of the date that is 366 days after Dec. 16, 2009.

Pub. L. 111-117, div. A, title I, §194(e), Dec. 16, 2009, 123 Stat. 3073, provided that: “The amendment made by subsection (d) [amending this section] shall be in effect during the 1-year period beginning on the date of enactment of this Act [Dec. 16, 2009].”

Pub. L. 111-117, div. A, title I, §194(f), Dec. 16, 2009, 123 Stat. 3073, provided that the amendment made by section 194(f) is effective as of the date that is 366 days after Dec. 16, 2009.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by section 404 of Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

Section 405(a) of Pub. L. 104-88 provided that the amendment made by that section is effective Nov. 28, 1995.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or

made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

SPECIALIZED HAULING VEHICLES

Pub. L. 105-178, title I, §1213(f), June 9, 1998, 112 Stat. 201, provided that:

“(1) STUDY.—The Secretary shall conduct a study to examine the impact of the truck weight standards on specialized hauling vehicles. The study shall include, at a minimum, an analysis of the economic, safety, and infrastructure impacts of the standards.

“(2) REPORT.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.”

VEHICLE WEIGHT ENFORCEMENT

Pub. L. 105-178, title I, §1213(h), June 9, 1998, 112 Stat. 202, provided that:

“(1) STUDY.—The Secretary shall conduct a study of State laws (including regulations) relating to penalties for violation of State commercial motor vehicle weight laws.

“(2) PURPOSE.—The purpose of the study shall be to determine the effectiveness of State penalties as a deterrent to illegally overweight trucking operations. The study shall evaluate fine structures, innovative roadside enforcement techniques, and a State’s ability to penalize shippers and carriers as well as drivers and shall examine the effectiveness of administrative and judicial procedures utilized to enforce vehicle weight laws.

“(3) REPORT.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the study with any legislative recommendations of the Secretary.”

COMMERCIAL MOTOR VEHICLE STUDY

Pub. L. 105-178, title I, §1213(i), June 9, 1998, 112 Stat. 202, provided that:

“(1) IN GENERAL.—The Secretary shall request the Transportation Research Board of the National Academy of Sciences to conduct a study regarding the regulation of weights, lengths, and widths of commercial motor vehicles operating on Federal-aid highways to which Federal regulations apply on the date of enactment of this Act [June 9, 1998]. In conducting the study, the Board shall review law, regulations, studies (including Transportation Research Board Special Report 225), and practices and develop recommendations regarding any revisions to law and regulations that the Board determines appropriate.

“(2) FACTORS TO CONSIDER AND EVALUATE.—In developing recommendations under paragraph (1), the Board shall consider and evaluate the impact of the recommendations described in paragraph (1) on the economy, the environment, safety, and service to communities.

“(3) CONSULTATION.—In carrying out the study, the Board shall consult with the Department of Transportation, States, the motor carrier industry, freight shippers, highway safety groups, air quality and natural resource management groups, commercial motor vehicle driver representatives, and other appropriate entities.

“(4) REPORT.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Board shall transmit to Congress and the Secretary a report on the results of the study conducted under this subsection.

“(5) RECOMMENDATIONS.—Not later than 180 days after the date of receipt of the report under paragraph (4), the Secretary may transmit to Congress a report containing comments or recommendations of the Secretary regarding the Board’s report.

“(6) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$250,000 for each of fiscal years 1999 and 2000 to carry out this subsection.

“(7) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this subsection shall be 100 percent and such funds shall remain available until expended.”

OVER-THE-ROAD BUSES AND PUBLIC TRANSIT VEHICLES

Pub. L. 102-240, title I, § 1023(h), as added by Pub. L. 102-388, title III, § 341, Oct. 6, 1992, 106 Stat. 1552; amended by Pub. L. 104-59, title III, § 326, Nov. 28, 1995, 109 Stat. 592; Pub. L. 105-178, title I, § 1212(c), June 9, 1998, 112 Stat. 194; Pub. L. 108-7, div. I, title III, § 347, Feb. 20, 2003, 117 Stat. 419; Pub. L. 108-447, div. H, title V, § 530, Dec. 8, 2004, 118 Stat. 3271; Pub. L. 109-59, title I, § 1309, Aug. 10, 2005, 119 Stat. 1219; Pub. L. 109-115, div. A, title I, § 115, Nov. 30, 2005, 119 Stat. 2408, provided that:

“(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways, shall not apply, for the period beginning on October 6, 1992, and ending on October 1, 2009, to—

“(A) any over-the-road bus (as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181)); or

“(B) any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus.

“(2) STATE ACTION.—

“(A) WEIGHT LIMITATIONS.—For the period beginning on the date of enactment of this subparagraph [Nov. 30, 2005] and ending on September 30, 2009, a covered State, including any political subdivision of such State, may not enforce a single axle weight limitation of less than 24,000 pounds, including enforcement tolerances, on any vehicle referred to in paragraph (1) in any case in which the vehicle is using the Interstate System.

“(B) COVERED STATE DEFINED.—In this paragraph, the term ‘covered State’ means a State that has enforced, in the period beginning on October 6, 1992, and ending on the date of enactment of this subparagraph [Nov. 30, 2005], a single axle weight limitation of 20,000 pounds or greater but less than 24,000 pounds, including enforcement tolerances, on any vehicle referred to in paragraph (1) in any case in which the vehicle is using the Interstate System.”

TEMPORARY EXEMPTION FOR FIREFIGHTING VEHICLES

Section 1023(e) of Pub. L. 102-240 provided that:

“(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations and the bridge formula for vehicles using the National System of Interstate and Defense Highways, shall not apply, in the 2-year period beginning on the date of the enactment of this Act [Dec. 18, 1991], to any existing vehicle which is used for the purpose of protecting persons and property from fires and other disasters that threaten public safety and which is in actual operation before such date of enactment and to any new vehicle to be used for such purpose while such vehicle is being delivered to a firefighting agency. The Secretary may extend such 2-year period for an additional year.

“(2) STUDY.—The Secretary shall conduct a study—

“(A) of State laws regulating the use on the National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways] of vehicles which are used for the purpose of protecting persons and property from fires and other disasters that threaten public safety and which are being delivered to or operated by a firefighting agency; and

“(B) of the issuance of permits by States which exempt such vehicles from the requirements of the second sentence of section 127 of title 23, United States Code.

“(3) PURPOSES.—The purposes of the study under this subsection are to determine whether or not such State laws and such section 127 need to be modified with regard to such vehicles and whether or not a permanent exemption should be made for such vehicles from the requirements of such laws and section 127 or whether or not the bridge formula set forth in such section should be modified as it applies to such vehicles.

“(4) REPORT.—Not later than 18 months after the date of the enactment of this Act [Dec. 18, 1991], the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (2), together with recommendations.”

STUDY PERTAINING TO TRANSPORTERS OF WATER WELL DRILLING RIGS

Section 1023(g) of Pub. L. 102-240 directed Secretary to conduct a study of State and Federal regulations pertaining to transporters of water well drilling rigs on public highways for the purpose of identifying requirements which place a burden on such transporters without enhancing safety or preservation of public highways, and, not later than 2 years after Dec. 18, 1991, report to Congress on the results of the study, together with any legislative and administrative recommendations.

MOTOR VEHICLE STUDY BY TRANSPORTATION RESEARCH BOARD; REPORT

Section 158 of Pub. L. 100-17 directed Secretary, within 6 months after Apr. 2, 1987, to enter into appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to conduct a study of the following motor vehicle issues, including an analysis of the impacts of the various positions that have been put forth with respect to each issue and best estimates of effects on pavement, bridges, highway revenue and cost responsibility, and highway safety, and changes in transportation costs and other measures of productivity for various segments of the trucking industry resulting from adoption of each of the positions: (1) elimination of existing, grandfather provisions of 23 U.S.C. 127 which allow higher axle loads and gross vehicle weights than the 20,000-pound single axle load limit, 34,000-pound tandem axle load limit, and 80,000-pound gross vehicle weight limit maximums authorized by Pub. L. 93-643, (2) analysis of alternative methods of determining gross vehicle weight limit and axle loadings for all types of motor carrier vehicles, (3) analysis of the bridge formula contained in 23 U.S.C. 127 in view of current vehicle configurations, pavement and bridge stresses in accord with 1986 design and construction practices, and existing bridges on and off the Interstate System, (4) establishment of nationwide policy regarding the provisions of ‘reasonable access’ to the National Network for combination vehicles established pursuant to Pub. L. 97-424, and (5) recommendation of appropriate treatment for specialized hauling vehicles which do not comply with the existing Federal bridge formula and submit a final report to Secretary and Congress, not later than 30 months after appropriate arrangements were entered into.

STATE-IMPOSED VEHICLE WIDTH LIMITATIONS

Pub. L. 97-369, title III, § 321, Dec. 18, 1982, 96 Stat. 1784, related to State-imposed vehicle width limitations, prior to repeal by Pub. L. 98-17, § 2, Apr. 5, 1983, 97 Stat. 60. See section 31113 of Title 49, Transportation.

STEERING AXLE STUDY; REPORT TO CONGRESS

Section 210 of Pub. L. 94-280 directed Secretary of Transportation to conduct an investigation into relationship between gross load on front steering axles of truck tractors and safety of operation of vehicle combinations of which such truck tractors are a part, such investigation to be conducted in cooperation with representatives of (A) manufacturers of truck tractors and related equipment, (B) labor, and (C) users of such equipment, and the results of such study to be reported to Congress not later than July 1, 1977.

§ 128. Public hearings

(a) Any State transportation department which submits plans for a Federal-aid highway project involving the by passing of or, going through any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community. Any State transportation department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed locations of such highway. Such certification shall be accompanied by a report which indicates the consideration given to the economic, social, environmental and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.

(b) When hearings have been held under subsection (a), the State transportation department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification and report.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 902; Pub. L. 90-495, §24, Aug. 23, 1968, 82 Stat. 828; Pub. L. 91-605, title I, §135, Dec. 31, 1970, 84 Stat. 1734; Pub. L. 105-178, title I, §1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 193.)

AMENDMENTS

1998—Pub. L. 105-178 substituted “State transportation department” for “State highway department” wherever appearing.

1970—Subsec. (a). Pub. L. 91-605, §135(a), provided for submission of a report by the State highway department involved indicating consideration given to economic, social, environmental, and other effects of the plan or highway location or design plus the various alternatives which were considered.

Subsec. (b). Pub. L. 91-605, §135(b), inserted reference to report to be submitted by the State highway department together with the certification of public hearings.

1968—Subsec. (a). Pub. L. 90-495 inserted social effect of projects, the impact on environment, and their consistency with the goals and objectives of such urban planning as has been promulgated by the community to the list of factors to be considered by State highway departments in looking over projects involving the by-passing or passing through of municipalities.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-495 effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

§ 129. Toll roads, bridges, tunnels, and ferries

(a) BASIC PROGRAM.—

(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Notwithstanding section 301 of this title and subject to the provisions of this section, the Secretary shall permit Federal participation in—

(A) initial construction of a toll highway, bridge, or tunnel (other than a highway, bridge, or tunnel on the Interstate System) or approach thereto;

(B) reconstructing, resurfacing, restoring, and rehabilitating a toll highway, bridge, or tunnel (including a toll highway, bridge, or tunnel subject to an agreement entered into under this section or section 119(e) as in effect on the day before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991) or approach thereto;

(C) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

(D) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility; and

(E) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under subparagraph (A), (B), (C), or (D);

on the same basis and in the same manner as in the construction of free highways under this chapter.

(2) OWNERSHIP.—Each highway, bridge, tunnel, or approach thereto constructed under this subsection must—

(A) be publicly owned, or

(B) be privately owned if the public authority having jurisdiction over the highway, bridge, tunnel, or approach has entered into a contract with a private person or persons to design, finance, construct, and operate the facility and the public authority will be responsible for complying with all applicable requirements of this title with respect to the facility.

(3) LIMITATIONS ON USE OF REVENUES.—Before the Secretary may permit Federal participation under this subsection in construction of a highway, bridge, or tunnel located in a State, the public authority (including the State transportation department) having jurisdiction over the highway, bridge, or tunnel must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the toll facility will be used first for debt service, for reasonable return on investment of any private person financing the project, and for the costs necessary for the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation. If the State certifies annually that the tolled facility is being adequately maintained, the State may use any toll revenues in excess of amounts required under the preceding sentence for any purpose for which Federal funds may be obligated by a State under this title.

(4) SPECIAL RULE FOR FUNDING.—In the case of a toll highway, bridge, or tunnel under the jurisdiction of a public authority of a State (other than the State transportation department), upon request of the State transportation department and subject to such terms and conditions as such department and public authority may agree, the Secretary shall re-